

## REMARKS

Applicant is in receipt of the Office Action mailed June 2, 2005. Claims 1, 3-8, 10-23, 28-40, and 43-45 were pending in the application. Applicant has amended claims 1, 6, 22, 23, 28, 38, 40, and 45. Accordingly, claims 1, 3-8, 10-23, 28-40, and 43-45 remain pending in the application.

The Office Action rejected claims 1, 3-8, 10-13, 15-23, 28-32, 34-40, and 43-45 under 35 U.S.C. § 103(a) as being unpatentable over Parthasarathy, et al. (U.S. Pat. No. 6,347,398) (hereinafter "Parthasarathy") in view of Chatterji (U.S. Pat. No. 5,664,195). The Office Action rejected claims 14 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Parthasarathy in view of Chatterji and further in view of Dale, et al. (U.S. Pat. No. 6,049,664) (hereinafter "Dale"). Applicant respectfully traverses the rejections in light of the following remarks.

Applicant's claim 1 (as amended) recites, in pertinent part:

1. A system of connected computer apparatus, comprising a programmable user processing apparatus for use by a user and at least one storage apparatus, the storage apparatus storing data defining separate components of at least one processing application, wherein the user processing apparatus is configured to fetch data defining components of the at least one processing application to be used by the user from the storage apparatus, and to install the components so that the components are isolated from each other and to permit operational interaction between the components in accordance with defined interaction rules to enable the application to be used by the user, and wherein the user processing apparatus is configured to re-fetch data defining one or more of the components in accordance with defined rules and to use the re-fetched data for the application; and wherein the user processing apparatus is configured to arrange and test the components to verify the defined interaction rules.

To establish a prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180



U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in claim 1.

Applicant respectfully submits that Parthasarathy and Chatterji, taken individually or in combination, do not teach or suggest “wherein the user processing apparatus is configured ... to install the components so that the components are isolated from each other” (emphasis added). Parthasarathy discloses downloading software components over a computer network. However, Parthasarathy does not teach or suggest installing the components so that the components are isolated from each other. Chatterji discloses the dynamic installation of a driver on a computer system. Chatterji does not teach or suggest installing multiple components, and therefore Chatterji also fails to teach or suggest installing the components so that the components are isolated from each other.

Furthermore, Applicant respectfully submits that Parthasarathy and Chatterji, taken individually or in combination, do not teach or suggest the limitations “wherein the user processing apparatus is configured to re-fetch data defining one or more of the components in accordance with defined rules and to use the re-fetched data for the application.” The Office Action acknowledged that Parthasarathy does not teach or suggest these limitations. Chatterji discloses the downloading of an operating system including a newly installed driver. However, Chatterji does not teach or suggest re-fetching data or re-fetching in accordance with defined rules. Chatterji also does not teach or suggest the limitation “to use the re-fetched data for the application.”

Additionally, Applicant respectfully submits that Parthasarathy and Chatterji, taken individually or in combination, do not teach or suggest “wherein the user processing apparatus is configured to arrange and test the components to verify the defined interaction rules” (emphasis added). Although Parthasarathy discloses the authentication of downloaded software components via a digital signature and digital certificate (e.g., col. 9, lines 33-47), Parthasarathy does not teach or suggest performing any action “to verify the defined interaction rules.” Furthermore, in the absence of any



teaching or suggestion in Chatterji of defined interaction rules, there can be no teaching or suggestion in Chatterji of verifying such rules.

As held by the U.S. Court of Appeals for the Federal Circuit in *Ecolochem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. In addition, the showing of a suggestion, teaching, or motivation to combine prior teachings “must be clear and particular .... Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). Applicant respectfully submits that there is no evidence of a suggestion or motivation for one of skill in the art to combine Parthasarathy and Chatterji to produce the claimed invention. Furthermore, for at least the reasons discussed above, Applicant respectfully submits that the combination of Parthasarathy and Chatterji would not produce all the limitations recited in claim 1. Accordingly, claim 1 is patentably distinct from the cited references.

For at least the reasons discussed above, Applicant submits that the pending claims 1, 3-8, 10-23, 28-40, and 43-45 are patentably distinct from the cited references. Applicant respectfully requests withdrawal of the Section 103(a) rejections.



## CONCLUSION

Applicant asserts that the pending claims are in condition for allowance. Accordingly, the present response is believed to be a complete response to the issues raised in the Office Action and full reconsideration and favorable action is respectfully requested. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference. If any petitions for extensions of time are required or fees are due, said petitions for extensions of time are hereby requested and the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C., Deposit Account No. 50-1505/6000-16500/BNK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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